IN THE IOWA DISTRICT COURT IN AND FOR LINN COUNTY

STATE OF IOWA,	
Plaintiff,	**NO. FECR144418**
vs.	
LEO WILSON BUSHNELL,	**JUDGMENT AND SENTENCE**
Defendant.	

Defendant appeared this date in open court for sentencing, with attorney Mark Meyer. The State appeared by First Assistant Linn County Attorney **Monica Slaughter** and Assistant Linn County Attorney **Jennifer Erger.**

At the outset of the hearing, the Court addressed the Defendant's multiple requests filed after trial and after his consent to habitual offender status based upon prior convictions, that he be granted his right to self-representation. More specifically, as reflected in his post-trial filings and the record at the time of sentencing, Mr. Bushnell repeatedly requested that he not have an attorney represent him at the time of sentencing, and that the Court recognize his right to represent himself at the time of sentencing. The Court conducted a colloquy of Defendant, as reflected in the record. Also as reflected in the record, the Court found and concluded that Mr. Bushnell expressed his desire to represent himself; he had a right to do so; he knowingly, voluntarily, and intelligently invoked his right to represent himself; and he knowingly, voluntarily, and intelligently waived his right to counsel. Accordingly, Mr. Meyer was removed as counsel and granted permission to leave, and Mr. Bushnell represented himself in the subsequent sentencing proceedings.

As noted above, after trial and verdicts, Mr. Bushnell consented to habitual offender status based upon his prior convictions. Pursuant to the record made and verdicts of guilty previously entered herein, IT IS NOW ADJUDGED that Defendant is guilty of the following offenses:

Count 1, the **amended** offense of **Criminal Mischief in the Second Degree, as an Habitual Offender,** a **Class D Felony,** in violation of Iowa Code Sections **716.1, 716.4;**

Count 2, the **amended** offense of **Assault on Persons Engaged in Certain Occupations – While Displaying Dangerous Weapon, as an Habitual Offender,** a **Class D Felony,** in violation of Iowa Code Section **708.3A(2);**

Count 3, the **amended** offense of **Assault on Persons Engaged in Certain Occupations – While Displaying Dangerous Weapon, as an Habitual Offender,** a **Class D Felony,** in violation of Iowa Code Section **708.3A(2);**

Count 4, the **amended** offense of **Possession of Explosive/Incendiary Materials,** an **aggravated misdemeanor,** in violation of Iowa Code Sections**;** and

Count 5, the **amended** offense of **Criminal Mischief in the Fourth Degree**, a **serious misdemeanor**, in violation of Iowa Code Sections **716.1, 716.6.**

A conviction for the above-listed offenses is now entered of record.

The Court fully complies with Rule 2.23(3) of the Iowa Rules of Criminal Procedure and with Chapter 901 of the Iowa Corrections Code. The Defendant states there is no cause why judgment and sentence should not now be pronounced.

IT IS THEREFORE THE ORDER, JUDGMENT AND SENTENCE OF THIS COURT that Defendant be committed to the custody of the Director of the Iowa Department of Corrections for an indeterminate term not to exceed **15 years on Count 1; 15 years on Count 2; 15 years on Count 3; two (2) years on Count 4; and 90 days on Count 5. The Court notes that, as to Counts 1, 2, and 3 there are mandatory minimum sentences of three (3) years due to habitual offender status. The sentences imposed on Counts 1 and 2 shall run consecutively to each other, and the sentences in Counts 3, 4, and 5 shall run concurrently with each other and to the sentences in Count 1 and Count 2.** Defendant is placed in the temporary custody of the Sheriff of this County pending transfer to the Iowa Medical and Classification Center at Oakdale, Iowa. This County shall pay the costs of temporarily confining and transporting the Defendant to the Center.

Defendant is given credit for time served awaiting disposition in this matter through this date plus credit for each additional day served in the custody of the county sheriff until received by the Department of Corrections.

This Court recommends the Board of Parole follow its usual rules, regulations, and guidelines in determining when the Defendant would be eligible for release or parole.

Any term of incarceration may be reduced because of statutory good conduct time, work credits and program credits. Defendant may be eligible for parole before the sentence is discharged.

Defendant shall be placed on the Intermediate Sanctions Continuum pursuant to Iowa Code 901B.1. The Department of Correctional Services shall evaluate the Defendant's risk to public safety and determine the appropriate level of supervision or sanction which may, *without further order from the Court*, include correctional residential facility placement.

IT IS FURTHER ORDERED that Defendant pay a fine of $1,025 on Count 1, plus the 15 percent crime services surcharge; $1,025 on Count 2, plus the 15 percent crime services surcharge; $1,025 on Count 3, plus the 15 percent crime services surcharge; $855 on Count 4, plus the 15 percent crime services surcharge; $430 on Count 5, plus the 15 percent crime services surcharge. **The fines for all counts are suspended without objection by the State.**

The Court finds that the Defendant does not have the reasonable ability to pay Category B restitution. Based thereupon, those sums are not assessed to the Defendant.

The Court finds Defendant is unable to make full payment of the financial obligation due today. Defendant shall make periodic payments every 30 days in an amount not less than $50. The first installment is due within 30 days. If the total amount due is less than $100, Defendant must pay the full

amount within 30 days. Iowa Court Rule 26.2(4) does not permit a payment plan if the amount due is less than $100. The enrollment fee is to be paid directly to the Department of Correctional Services.

Pursuant to Chapter 81 of the Iowa Criminal Code, the defendant shall report to the Sixth Judicial District Department of Correctional Services to provide a DNA sample for DNA profiling.

The reasons for the sentences imposed include those reflected in the record. The reasons include the Defendant's age, employment, family circumstances, extensive prior criminal record and history, and the facts and circumstances of the offenses. Those facts and circumstances included that the Defendant fired shots at the windows of neighbors, apparently randomly, and at peace officers, without apparent remorse. The reasons include the belief that these sentences will provide the greatest benefit to the Defendant, through the Department of Correction's ability to evaluate the Defendant to determine what mental health treatment may be needed or advisable, and to screen for substance abuse treatment. The reasons also include the protection of the community from like conduct by Defendant, and to discourage future such conduct by Defendant and others.

Defendant is advised of the right to appeal this sentencing to the Iowa Supreme Court. Appeal bonds are set in the amount of $20,000 ($5,000 on Count 1; $5,000 on Count 2; $5,000 on Count 3; $3,000 on Count 4; and $2,000 on Count 5).

Defendant's appearance bond, if any, is exonerated.

Pursuant to the jury's verdict, Count 6 is dismissed at the State's cost.

Clerk to notify.

State of Iowa Courts

Case Number	**Case Title**
FECR144418	STATE OF IOWA VS BUSHNELL, LEO WILSON
Type:	Order of Disposition

So Ordered

Sean McPartland, District Court Judge,
Sixth Judicial District of Iowa

Electronically signed on 2023-12-01 16:14:06